

## 2006 Consumer Products Regulation Workgroup Meeting

*January 19, 2006*



## Overview

- Background
- 2003 Survey
  - Data Summaries
- 2005 Survey
- Other Consumer Products Activities
- State Implementation Plan
- 2006 Regulatory Amendments
- Contacts and Resources



## Background

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## Program Highlights

- Consumer products:
  - Chemically formulated
  - Used by household and institutional consumers
  - Include household, home and garden, aerosol paint, personal care, automotive specialty (care) products, etc.
- Consumer products do not include other paint products, furniture coatings or architectural coatings
- California Clean Air Act requires ARB to regulate consumer products

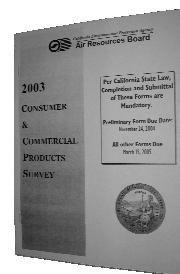


## 2003 Consumer & Commercial Products Survey

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## 2003 Consumer & Commercial Products Survey

- Over 915 companies responded
- Nearly 26,000 products/product group were reported
- Compared to 2001 Survey of 400 companies and 7,000 products
- One quarter of surveys were electronic
  - Encompassed 50% of products/product groups reported
- Special reporting requirements for Aerosol Adhesives
- Over 100 voluntary survey evaluations received



## Survey Observations

- Exempt Compounds and LVP-VOCs
- Product Categorization
- Product Form
  - Delivery System
  - Dispensed Form
- Sales units vs. Mass/Volume
- Electronic Input
  - Hard Copy Submission



## Preliminary Data Summaries

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## 2003 Survey Preliminary Data Summaries

- Preliminary Data Summaries posted December 22, 2005  
[www.arb.ca.gov/consprod/regact/2003surv/datasum2003.htm](http://www.arb.ca.gov/consprod/regact/2003surv/datasum2003.htm)
- Format
  - Generalized Summary Tables – A & B
  - Category Data – Tables 1, 2, & 3
- Confidentiality protected
  - Too few companies and/or products
- Some reported products not included
  - Not reportable
  - Incomplete products (may be included later)
  - Certain Thinners/Reducers

## Stakeholders Comments on Data Summaries

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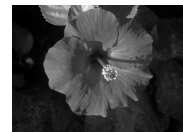
## Stakeholders Comments on Data Summaries

- Not Reportable Products
  - Not consumer products
  - Not asked for this time
- Miscategorized Products
  - Case by case
- Out of Compliance Products
  - Dilution
  - Exempted
  - Reporting errors
  - Contact manufacturer
- Combining/Subcategorization of Products
  - Inventory/Regulatory issue
- Missing Companies



## Stakeholders Comments on Data Summaries (cont.)

- Request for MIR Data
  - More detailed data to come
- Request for Emissions by Product Form
  - More data to come
- VOCs/LVP-VOCs
- Combustion Fate/Down the Drain
  - Specific studies needed
  - Inventory adjustments will be made



### **Survey Data Analysis and Adjustments**

- Sales Verification
- Re-categorization of products
- Product Form Analysis
- Adding new and late survey submissions



### **2005 Consumer & Commercial Products Survey**

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### **2005 Survey**

- Second round of two-part effort for CONS-2 SIP commitment
- Not expected to include most of the recently surveyed categories or those with standards effective in 1/1/06 or after
- New categories may be added
- Similar format to 2003 Survey
  - Revisions will include improvements from public and staff recommendations
- Anticipate posting Summer/Fall of 2006

### **Survey Adjustments/Improvements**

- Category codes will be simplified
- Form 3 – Product Information
  - Clarify reporting of delivery system/dispensed form
  - Clarify reporting of sales data
- Form 4 – Ingredient Information
  - Exempts vs. LVP-VOCs
  - Specific gravity/density questions will be relocated
- Training intended to be for individuals completing survey forms

### **Other Consumer Products Activities**

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### **Other Consumer Products Activities**

- Nail Polish Removers
- Aminomethyl Propanol
- Aerosol Coatings/Consumer Products Overlap
- Multi-function Products
- VOC Exemptions
- Inventory Update
- Upcoming VOC Limits, Toxics Prohibitions, and Other Requirements

## **Nail Polish Removers**

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### **Nail Polish Removers Category Update**

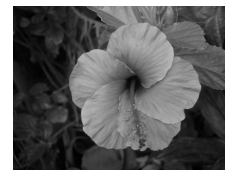
- 0% VOC limit became effective Dec. 31, 2004
- Methyl acetate (VOC-exempted) intended replacement for non-acetone nail polish removers
- Impurities discovered in methyl acetate
- Hydrolysis reaction forms VOCs over time
- 1% VOC limit was suggested
- Interim Enforcement Policy
- Will address during CONS - 2 rulemaking

## **Aminomethyl Propanol**

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### **Aminomethyl Propanol (AMP)**

- Used in various consumer products
- Often used as a resin stabilizer
- Qualifies as a VOC based on vapor pressure, carbon number and boiling point



## **Aminomethyl Propanol**

- Limited test results indicate that AMP at a specific weight percent, in a specific resin system and formulation does not volatilize
- However, different weight percents and/or different circumstances could produce different results
- Should not be a compliance issue if AMP is truly bound to resin system and does not volatilize

### **Aerosol Coatings/Consumer Products Regulations Overlap**

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## **Aerosol Coatings/Consumer Products Regulations Overlap**

- Some products fall under category definitions in both regulations
- Aerosol Coatings:
  - Contain a resin
  - Form a film or coating
- Some consumer products categories cover products that are also aerosols and contain a resin and form a film/coating
- Add regulatory language to address when specific products are subject to both regulations

## **Multi-function Products**

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## **Multi-function Analysis of Consumer Products**

### **Multi-function Products**

- Products making claims to remove multiple contaminants such as:
  - Chewing gum; candle wax; stickers; decals; latex paint drips; adhesives; bumper stickers; tape; glue; crayon; markers; ink; oil; grease; grime; goo; prewash; spots; carpet stains; lipstick; shoe polish; graffiti; scuff marks; soap residue; asphalt; flux; nail polish; bugs; tar; and many more...

## **Evaluation Commitment**

- Analyze product label for conflict with "Most Restrictive Limit Provision"
- Determine appropriate regulatory strategy
- Proposal will track with development of CONS-2

## **Regulation Options**

- Apply the 'Most Restrictive Limit'
- Redefine and regulate separately



## **VOC Exemptions**

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### **Compounds Under Review for Exemption from the Definition of VOC**

- tertiary-Butyl acetate (TBAC)
- Others
  - HFC-43-10 mee
  - HCFC-225 ca and cb
  - HFC-245 fa
  - HFE-7100 & HFE-7200



### **Consumer Products Inventory Update**

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### **Consumer Products Inventory Update**

- 2001 Survey data, most categories were updated
- Aerosol coatings inventory reflects latest VOC limits
- Recent adjustments reflect corrections made to 1997 Survey data

### **State Implementation Plan**

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### **State Implementation Plan**

- The Federal State Implementation Plan
  - Mandated by the federal Clean Air Act
  - California's emission reduction commitments
  - Developed in consultation with all interested parties



### **2003 SIP**

- Approved by the Board October 2003
- CONS-1
  - Set new consumer product VOC limits to achieve at least 5 tpd reduction statewide
  - Implement in 2006
  - Commitment fulfilled
- CONS-2
  - Set new consumer product VOC limits to achieve at least 20 to 35 tpd reduction statewide
  - Implement in 2008 and 2010

## New Standards

- New federal 8-hour Ozone and PM<sub>2.5</sub> standards
  - Ozone: 0.08 ppm (averaged over 8 hours)
  - PM<sub>2.5</sub>: 15 µg/m<sup>3</sup> (annual average standard)
  - PM<sub>2.5</sub>: 65 µg/m<sup>3</sup> (24-hour standard)
- Ozone SIP due in 2007
- PM<sub>2.5</sub> SIP due in 2008



## SIP Planning Milestones

- Freeze SIP baseline emission inventory 2005
- Emission targets Summer '06
- Draft plans Fall '06
- Local & State plan adoption Early '07
- Ozone plans due to U.S. EPA June '07
- PM<sub>2.5</sub> plans due to U.S. EPA April '08

## Emissions in the South Coast Air Basin

| Year                          | VOC (tpd) | NOx (tpd) |
|-------------------------------|-----------|-----------|
| 2000                          | 998       | 1195      |
| 2010                          | 602       | 763       |
| 2020                          | 549       | 515       |
| *2003 SIP<br>Targets for 2010 | 310       | 530       |

## 2006 Consumer Products Regulatory Amendments

## 2006 Consumer Products Regulation Amendments

- Per SIP and SIP lawsuit settlement, ARB must adopt VOC standards for reductions of 4-8 tpd in SCAQMD (10-15 tpd statewide)
- Will follow consumer products working group process used for previous regulation amendments

## Rulemaking Process

- Consumer & Commercial Products Survey
- Regulation Development
  - Data analysis
  - Preliminary draft regulation
  - Consumer Products Working Group meetings
  - Public workshops
- Regulation Proposal
  - Release of the Initial Statement of Reasons report
  - 45-day notice and request for public comment
- Board Hearing
  - Board hearing and decision
  - 15-day notice of change (if applicable)
- Regulation Adoption and Implementation
  - File with Office of Administrative Law
  - Release of the Final Statement of Reasons report



## Public Participation Opportunities During Rulemaking Process

- Consumer Products Working Group
- Workshops
- Meetings, teleconferences, video conferences
- Written comments

## Current Reduction Strategies

- Strategies available under the existing regulations:
  - Mass emission limits
  - Photochemical reactivity based limits

## Compliance Options

- Strategies available under the existing regulations:

- Innovative Product Exemption

- Alternative Control Plan



## Regulatory Timeline (tentative)

- Second Workgroup Meeting.....March 2006
- Third Workgroup Meeting.....May 2006
- Fourth Workgroup Meeting.....June 2006
- First Public Workshop.....August 2006
- 45-Day Notice Release.....Sept. 29, 2006
- Board Hearing Date.....Nov. 16, 2006
- Additional Workshops/Workgroup/Subgroup/Individual Meetings TBA as needed

## Next Steps

- Analyze/Revise Survey Data
- Develop preliminary list of categories to further analyze
- Second Workgroup Meeting March 2006



## Contact Information

| Name           | Responsibility  | Phone         | Email               |
|----------------|---|---------------|---------------------|
| Janette Brooks | Chief, Air Quality Measures Branch  | (916)322-7072 | jbrooks@arb.ca.gov  |
| David Mallory  | Manager, Measures Development Section<br>-Consumer products survey; Selected CP categories; Para-dichlorobenzene  | (916)445-8316 | dmallory@arb.ca.gov |
| Judy Yee       | Manager, Implementation Section<br>-ACP; IPE; Charcoal lighter certifications; CP Fees; Automotive wax and polishes; Adhesives; Selected CP categories      | (916)322-9148 | jyee@arb.ca.gov     |
| Carla Takemoto | Manager, Technical Evaluation Section<br>-Aerosol coating reg.; Antiperspirant & deodorant reg.; VOC exemptions; Reactivity; Toxics; Selected CP categories | (916)324-8028 | ctakemot@arb.ca.gov |
| Trish Johnson  | Staff Lead, 2006 Regulatory Amendments  | (916)445-3365 | tjohnson@arb.ca.gov |
| Jessica Dean   | Staff, Measures Development Section   | (916)322-2362 | jdean@arb.ca.gov    |



## Websites

- **Air Resources Board website:** <http://www.arb.ca.gov>
- **Consumer Products website:**  
<http://www.arb.ca.gov/consprod/consprod.htm>
- **2003 Survey Data Summaries website:**  
<http://www.arb.ca.gov/consprod/regact/2003surv/datasum2003.htm>
- **Consumer Products Regulations website:**  
<http://www.arb.ca.gov/consprod/regs/regs.htm>
- **Consumer Products List Server website:**  
<http://www.arb.ca.gov/listserv/listserv.php>
- **SIP website:** <http://www.arb.ca.gov/planning/sip/sip.htm>
- **Cal/EPA website:** <http://www.calepa.ca.gov>



## New VOC Limits

| Product Category                          | Effective Date | VOC Standard |
|---|----------------|--------------|
| Floor or Wall Covering Adhesive Remover   | 12/31/2006     | 5            |
| Gasket or Thread Locking Adhesive Remover | 12/31/2006     | 50           |
| General Purpose Adhesive Remover          | 12/31/2006     | 20           |
| Specialty Adhesive Remover                | 12/31/2006     | 70           |
| Contact Adhesive - General Purpose        | 12/31/2006     | 55           |
| Contact Adhesive - Special Purpose        | 12/31/2006     | 80           |
| Anti-static Product - Aerosol             | 12/31/2008     | 80           |
| Anti-static Product - Non-aerosol         | 12/31/2006     | 11           |
| Electrical Cleaner                        | 12/31/2006     | 45           |
| Electronic Cleaner                        | 12/31/2006     | 75           |
| Fabric Refresher - Aerosol                | 12/31/2006     | 15           |
| Fabric Refresher - Non-aerosol            | 12/31/2006     | 6            |

## New VOC Limits (Cont'd)

| Product Category                              | Effective Date | VOC Standard |
|---|----------------|--------------|
| Footwear or Leather Care Product - Aerosol    | 12/31/2006     | 75           |
| Footwear or Leather Care Product - Solid      | 12/31/2006     | 55           |
| Footwear or Leather Care Product - All other  | 12/31/2006     | 15           |
| Graffiti Remover - Aerosol                    | 12/31/2006     | 50           |
| Graffiti Remover - Non-aerosol                | 12/31/2006     | 30           |
| Hair Styling Product - Aerosol and pump spray | 12/31/2006     | 6            |
| Hair Styling Product - All other forms        | 12/31/2006     | 2            |
| Shaving Gel                                   | 12/31/2006     | 7            |
|   | 12/31/2009     | 4            |
| Toilet/Urinal Care Product - Aerosol          | 12/31/2006     | 10           |
| Toilet/Urinal Care Product - Non-aerosol      | 12/31/2006     | 3            |
| Wood Cleaner - Aerosol                        | 12/31/2006     | 17           |
| Wood Cleaner - Non-aerosol                    | 12/31/2006     | 4            |

## Effective Dates for Toxic Air Contaminants (TACs) Prohibition

| Product Category   | TAC Prohibited   | Effective Date | Sell-through |
|--|--|----------------|--------------|
| Contact adhesives;<br>Electronic cleaners;<br>Footwear or leather care products;<br>General purpose degreasers | Methylene chloride, perchloroethylene, trichloroethylene | 12/31/2005     | 12/31/2008   |
| Adhesive removers;<br>Electrical cleaners;<br>Graffiti removers  | Methylene chloride, perchloroethylene, trichloroethylene | 12/31/2006     | 12/31/2009   |
| Toilet/urinal care products and solid air fresheners   | Para-dichlorobenzene                                     | 12/31/2005     | 12/31/2006   |

## 2004 CP Regulation Amendments: Enforcement Provisions

- **Most Restrictive Limit**
  - Entire container & packaging
  - Products manufactured on or after January 1, 2007, and FIFRA-registered insecticides, manufactured on or after January 1, 2008
- **Date of Manufacture**
  - Clearly display without disassembly for products manufactured on or after January 1, 2006
  - Standard code or annual reporting
  - Multi-unit packages can display date of assembly

**2004 CP Regulation Amendments:  
Enforcement Provisions (cont'd)**

- Notification of Sell-Through
  - Product is being sold to a distributor or retailer
  - Sell-through period will expire in 6 months or less
  - Product does not comply with the lowest VOC standard that applies on the date the product is sold or supplied
  - Product is subject to a VOC standard with an effective date on or after Dec. 31, 2004